

Response After Final
Application No. 10/615,193
Attorney Docket No. 000138A

REMARKS

Rejections under 35 USC §103(a)

Claim 5 was rejected under 35 USC §103(a) as being obvious over WO 98/10111 (English equivalent U.S. Patent No. 6,136,101 to Sugawara et al.).

Claim 6 was rejected under 35 USC §103(a) as being obvious over reference was applied to claim 5 above, and further in view of acknowledged prior art admission.

In the Final Office Action, the Examiner alleged that applicants failed to point out the temperature difference between A₁ and eutectoid temperature. Also, in the Advisory Action, the Examiner alleged that “Figures 21 and 22 as relied by applicants fail to support/define normal temperature.”

Accorsingly, Claim 5 have been further amended to recite “heating said Fe-based alloy material setting an average rate H_R of heating from about a room temperature to a point A₁ in an Fe-C based equilibrium diagram to be in a range of $0.5^{\circ}\text{C/sec} \leq H_R \leq 6.0^{\circ}\text{C/sec}$, and setting a maximum temperature gradient T_G of the inside of the Fe-based alloy material per unit distance to be at $T_G \leq 7^{\circ}\text{C/mm}$.” The relevant portion of the specification has also been similarly amended. The amendment is supported by Figs. 21 and 22. Figs. 21 and 22 he heating is started from about a room temperature. A person of ordinary skill in the art would clearly understand that the present invention is directed to heating from about the room temperature because these figures indicate that the Fe-based material samples were heated from about the room temperature. Also, the amendment is supported by the common sense of a person of ordinary skill in the art

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that heating start from about a room temperature where heating is not mentioned before the start of the particular heating.

Regarding the difference between the eutectoid point and eutectic point, please see the Remarks in the previous response.

In view of the aforementioned amendments and accompanying remarks, Applicants submit that the claims, as herein amended, are in condition for allowance. Applicants request such action at an early date.

If the Examiner believes that this application is not now in condition for allowance, the Examiner is requested to contact Applicants' undersigned attorney to arrange for an interview to expedite the disposition of this case.

If this paper is not timely filed, Applicants respectfully petition for an appropriate extension of time. The fees for such an extension or any other fees that may be due with respect to this paper may be charged to Deposit Account No. 50-2866.

Respectfully submitted,

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